REMARKS/ARGUMENTS

Claims 1-3 are active in this case. Support for the amendment to Claim 1 is found in Claims 3 and 4 and Table 1 on page 14 of the specification. The specification is amended to update the status of the parent case to which the present application claims priority. No new matter is believed to be added by these amendments.

The rejection of Claims 1-3 under 35 U.S.C. § 102(b) in view of Suarez is no longer applicable, noting that Claim 1 has been amended to incorporate Claim 4, which was not rejected. Accordingly, withdrawal of this ground of rejection is requested.

The rejection of Claims 1, 3 and 4 under 35 U.S.C. § 102(b) in view of Petters is respectfully traversed.

Petters describes a UB culture medium (table 3) and Whitten medium c and d (Table 1). However, these media contain calcium lactate. As amended Claim 1 only contains sodium salt as a lactic acid salt and thus the media described by Petters is different. Withdrawal of this ground of rejection is requested.

The rejection of Claims 1-4 under 35 U.S.C. § 103(a) in view of Petters with Suzuki and First is traversed for the following reasons. As noted above, the media described by Petters is different from the medium as claimed. Suzuki and First are relied upon to allege that it would have been obvious to add medium conditioned with oviductal epithelial cells to the media of Petters. However, these Suzuki and First would not have suggested modifying the media of Petters to exclude the calcium lactate because doing so would be directly against the teachings of the Petters requirement of using media with calcium lactate (MPEP 2141.02: "Prior art must be considered in its entirety, including disclosures that teach away from the claims") . For this reasons alone, the claims would not have been obvious.

Furthermore, the inventors discovered that using a culture medium containing lactate and pyruvate in accordance with the present invention as a culture medium for "in the early 2-day term of the in vitro culture (on days 0 to 2 after fertilization) highly efficiently yields blastocysts with a larger total sum number of the in vitro-produced embryo and with high quality" (see page 16, first paragraph).

The Inventors further demonstrated the efficacy of these *in vitro* produced porcine embryos to develop *in vivo* in Example 4 on pages 19-20. These data show that when the cultured embryo prepared according to the present invention was transferred into female porcine recipients, all of the animals became pregnant and produced a number of living piglets.

In view of the above, Applicants request withdrawal of the rejection under 35 U.S.C. § 103(a).

Allowance of all pending claims is also requested.

Respectfully submitted,

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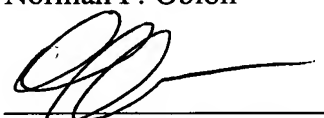

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